

RECEIVED

APR 30 1999

PAUL M. WARNER, United States Attorney (No. 3389)
MARK Y. HIRATA, Assistant United States Attorney (No. 5087) U.S. MAGISTRATE
Attorneys for the United States of America
United States Attorney's Office
185 South State Street, #400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : Case No. 2:96CR052B
Plaintiff, :
vs. : ORDER SETTING TRIAL DATE
AND RULING ON MOTIONS
GRAVITY SPORTS, LTD., DENNIS :
McGLYNN, :
Defendants. : Magistrate Judge Samuel Alba
:

A further scheduling conference was held in the above-captioned matter on April 23, 1999 before the Honorable Samuel Alba. Mark Y. Hirata, Assistant U.S. Attorney, appeared on behalf of the United States. Fred M. Morelli, Jr., appeared on behalf of the defendants by telephonic speaker phone. Counsel provided the Court with a status report on plea negotiations and input concerning a new trial date. The Court also considered the defendants' Motion In Limine and Motion to Strike, both dated April 5, 1999. With regard to the Motion in Limine, counsel informed the Court that a joint stipulation will be filed at trial by the parties, thus

mooting the motion. Regarding the Motion to Strike, Mr. Hirata agreed on behalf of the United States to strike all references to Paul Thompson's death, as alleged in the Misdemeanor Indictment.

The Court, having reviewed the defendants' pending motions and considered the statements and representations of counsel,

IT IS HEREBY ORDERED that:

1. This matter is set for trial on June 2 and June 3, 1999, beginning each day at 8:30 a.m.
2. Proposed jury instructions and voir dire questions shall be delivered to the Court on or before May 28, 1999.
3. Plea negotiations shall be completed by May 24, 1999. In the event the defendants waive their right to a jury trial regarding Count I of the Misdemeanor Indictment or a plea agreement is reached, the parties shall notify the Court promptly and file appropriate pleadings.
4. The defendants' Motion in Limine dated April 5, 1999 shall be resolved through a joint stipulation by the parties, filed with the Court at trial.
5. The defendants' Motion to Strike dated April 5, 1999 is granted. The Misdemeanor Indictment is amended by interlineation as follows:
 - a. The language, "such conduct constituting a misdemeanor which resulted in the death of Paul G. Thompson", is stricken from Count I; and
 - b. The language, "such conduct constituting a misdemeanor which resulted in the death of Paul G. Thompson", is stricken from Count II.

DATED this 31 day of May, 1999.


The Honorable Samuel Alba
United States Magistrate Judge

hom

United States District Court
for the
District of Utah
May 4, 1999

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:96-cr-00052

True and correct copies of the attached were mailed by the clerk to the following:

Mr. Mark Y. Hirata, Esq.
US ATTORNEY'S OFFICE

,
JFAX 9,5245985

Fred M. Morelli Jr., Esq.
MORELLI COOK & PETERSEN
403 W GALENA BLVD
AURORA, IL 60506
JFAX 8,630,8920479

Mr. Thomas R Patton, Esq.
ALDRICH NELSON WEIGHT & ESPLIN
43 E 200 N
PO BOX L
PROVO, UT 84603-0200

USMS
DISTRICT OF UTAH
,

JFAX 9,5245134

US Probation
DISTRICT OF UTAH

,
JFAX 9,5261136